

HOUSE BILL 1158

By Buck

AN ACT to amend Tennessee Code Annotated, Title 69,  
Chapter 9, relative to boating safety.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 69-9-203, is amended by adding the following language as a new subsection:

(e) The executive director is authorized to offer rewards or payments for information that may aid in the conviction of any offender violating a provision of this chapter or any other law relating to boating.

SECTION 2. Tennessee Code Annotated, Section 69-9-204(7), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(7) "Divers-down flag" means a free-flying flag, red in color, with a white diagonal stripe that begins at the top staff-side corner of the flag and extends to the lower opposite corner. The width of the stripe must be twenty-five percent (25%) of the height of the flag;

SECTION 3. Tennessee Code Annotated, Section 69-9-204(15), is amended by deleting the language "navigate or otherwise" and by substituting instead the language "navigate, be in physical control of, or otherwise".

SECTION 4. Tennessee Code Annotated, Section 69-9-204, is amended by adding the following language as new, appropriately designated subdivisions:

( ) "Registration" means satisfying the requirements for registration prescribed by the commission;

( ) "Serious injury" means an injury which requires, or should have required, medical treatment by a physician beyond first aid;

SECTION 5. Tennessee Code Annotated, Section 69-9-209(f), is amended by adding the following language as new, appropriately designated subdivisions:

- ( ) Equipment and activities associated with commercial boating;
- ( ) Abandoned and salvaged vessels;

SECTION 6. Tennessee Code Annotated, Section 69-9-210(b), is amended by deleting the language "injury" and substituting instead the language "serious injury" and is further amended by deleting the language "five hundred dollars (\$500)" and by substituting instead language "two thousand dollars (\$2,000)".

SECTION 7. Tennessee Code Annotated, Section 69-9-210, is amended by deleting subsection (c) in its entirety and by substituting instead the following language:

(c) The agency shall be immediately notified of any boating accident within the meaning of this chapter that occurs on the waters of Tennessee by the operator or operators of any vessel involved in such accident. An accident reported pursuant to subsection (b) shall be filed within forty-eight (48) hours of the occurrence of an accident if the accident has resulted in the death, disappearance, or serious injury of any person. An accident reported pursuant to subsection (b) that results in property damage shall be filed within ten (10) days. If the operator is incapable of making the required notice or report, it is the responsibility of each passenger to ensure that notification is made and any required report is filed in conformance with the provisions of this subsection (c).

SECTION 8. Tennessee Code Annotated, Section 69-9-210(d), is amended by deleting the language "this section shall not" and by substituting instead the language "this section, unless filed by an officer commissioned by the executive director pursuant to this chapter, shall not".

SECTION 9. Tennessee Code Annotated, Section 69-9-211(a), is amended by deleting the following language:

The executive director may authorize the holding of regattas, motorboat or other boat races, marine parades, tournaments or exhibitions on any waters of this state.

and by substituting instead the following language:

The executive director may authorize the holding of regattas, motorboat or other boat races, marine parades, tournaments, exhibitions, or land-based events that impact navigation or the safety of vessels on any waters of this state.

SECTION 10. Tennessee Code Annotated, Section 69-9-211(c), is amended by deleting the following language wherever it may appear:

regatta, motorboat or other boat race, marine parade, tournament or exhibition

and by substituting instead the following language:

regatta, motorboat or other boat race, marine parade, tournament, exhibition, or land-based event that impacts navigation or vessel safety

SECTION 11. Tennessee Code Annotated, Section 69-9-211, is amended by adding the following language as a new, appropriately designated subsection:

( ) The executive director is authorized to charge permit fees for administration and enforcement associated with events regulated pursuant to this section.

SECTION 12. Tennessee Code Annotated, Section 69-9-212(a), is amended by adding the language “or to any equipment or activities associated with commercial boating” to the end of the subsection.

SECTION 13. Tennessee Code Annotated, Section 69-9-214, is amended by deleting the section in its entirety and by substituting instead the following:

Section 69-9-214. Courts shall take judicial notice of all published rules and regulations and proclamations promulgated pursuant to this chapter and the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 14. Tennessee Code Annotated, Section 69-9-216(b), is amended by deleting subdivision (1) in its entirety and by substituting instead the following language:

(1) It is unlawful for any person less than twelve (12) years of age to operate any vessel propelled by machinery upon the waters of Tennessee unless such person is under the direct supervision of an adult. Such prohibition does not apply if the person is operating a vessel powered by an outboard motor of eight and one-half (8.5) horsepower or less.

SECTION 15. Tennessee Code Annotated, Section 69-9-217(d)(1), is amended by deleting the language " have consented to a test" and by substituting instead the language "have consented to one (1) or more tests" and is further amended by deleting the language "that such test" and by substituting instead the language "that any such test".

SECTION 16. Tennessee Code Annotated, Section 69-9-219(c)(4), is amended by deleting the language "third or subsequent" and the language "as a third or subsequent offender".

SECTION 17. Tennessee Code Annotated, Section 69-9-226(a), is amended by deleting subdivisions (1), (2) and (3) in their entirety and by substituting instead the following:

(1) Has successfully completed a monitored National Association of State Boating Law Administrators (NASBLA) approved boating safety examination administered by the agency or an approved representative of the agency; and

(2) Has received a certificate from the Tennessee wildlife resources agency as evidence of successful completion of a monitored NASBLA-approved boating safety examination administered by the agency or an approved representative of the agency; or,

(3) Is accompanied on the vessel by, and is under the direct supervision of a person who:

(A) Is eighteen (18) years of age or older and is certified as provided in subdivisions (a)(1) and (a)(2); or

(B) Was born on or before January 1, 1989.

SECTION 18. Tennessee Code Annotated, Section 69-9-302, is amended by deleting subsections (a) and (b) in their entirety and by substituting instead the following:

(a) No person shall operate or give permission for the operation of any vessel in or upon the waters of Tennessee in such a manner as to exceed the following noise levels:

(1) For engines manufactured before January 1, 1993, a noise level of 90 dB(a) when subjected to a stationary sound level test as recommended by the Society of Automotive Engineers in Stationary Sound Level Measurement Procedure for Recreational Motorboats (SAE J2005); or

(2) For engines manufactured on or after January 1, 1993, a noise level of 88 dB(a) when subjected to a stationary sound level test as recommended by SAE J2005.

(b) Effective July 1, 2007, no person shall operate a motorboat on the waters of this state in such a manner as to exceed a noise level of 75 dB(a) measured as recommended by the Society of Automotive Engineers in Shoreline Sound Level Measurement Procedure for Recreational Motorboats (SAE J1970); provided that such measurement shall not preclude a stationary sound level test as recommended by SAE J2005. The agency may, by regulation, amend such testing procedures when deemed necessary to adjust to advances in technology.

SECTION 19. Tennessee Code Annotated, Section 69-9-303(b), is amended by deleting the language “the exterior sound level measurement procedure for pleasure motorboats

recommended by the society of automotive engineers in its recommended practice designated SAEJ34" in the first sentence, and by substituting instead, the language "§ 69-9-302".

SECTION 20. Tennessee Code Annotated, Section 69-9-402(a), is amended by deleting the second sentence in its entirety and by substituting the following language:

Such divers-down flags shall be no smaller than twenty inches (20") by twenty-four inches (24"). Divers not associated with such boats shall display a divers-down flag no smaller than twelve inches (12") by twelve inches (12").

SECTION 21. Tennessee Code Annotated, Section 69-9-402(b), is amended by deleting the subsection in its entirety and by substituting instead the following language:

After dark, divers shall illuminate divers-down flags to make them visible from at least three hundred feet (300').

SECTION 22. Tennessee Code Annotated, Section 69-9-502, is amended by deleting the section in its entirety and by substituting instead the following:

Section 69-9-502. A person may not operate a personal watercraft on the waters of Tennessee unless each person aboard the vessel, or being towed by the vessel, is wearing a United States Coast Guard (USCG) approved Type I, II, III, or V personal floatation device in accordance with the USCG approval label.

SECTION 23. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 24. This act shall take effect on July 1, 2007, the public welfare requiring it.